

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
v. ) Criminal No.: 12-10226-DJC  
JOHN KOSTA, et al., ) FILED UNDER SEAL  
Defendants. )

**GOVERNMENT'S MOTION FOR AUTHORIZATION TO DISCLOSE  
WIRETAP MATERIALS TO DEFENSE COUNSEL**

The United States of America, by its attorneys, United States Attorney Carmen M. Ortiz, and Assistant U. S. Attorney Leah B. Foley, hereby requests authorization to disclose to defense counsel for the defendants in the captioned matter (and to defense counsel for any other defendants who may later be joined in this action) the applications, intercept orders, sealing orders, intercepted conversations, and line sheets made in connection with the Target Telephones listed below. This authorization is sought for the limited purpose of enabling each defendant to prepare a defense to the charge(s) contained in the indictment or any superseding indictment in this matter or any state matter. As grounds for this motion, the government states as follows:

1. Five of the defendants charged in the indictment in this matter were arrested on August 7, 2012, and a redacted indictment in this matter has been furnished to them. The government seeks authorization to disclose the materials described herein in order to comply with applicable rules governing discovery. One defendant is serving a state sentence in South Dakota and the final defendant is located in Mexico.

2. On November 8, 2011, the Hon. Douglas P. Woodlock, District of Massachusetts, entered an Order authorizing the interception of wire and electronic communications to and from the cellular telephone assigned call number assigned call number (978) 335-7119 and bearing International Mobile Subscriber Identifier ("IMSI"), which is the unique subscriber identification

number for a T-Mobile cellular telephone subscribed to in the name of Louis GRANDE, 415 Cabot Street, Beverly, Massachusetts (Target Telephone # 1). The known Target Subjects listed in the affidavit in this matter were: Louis GRANDE, John KOSTA, a/k/a Costa MIHALAKAKIS, Fidencio SERRANO-ESQUER, a/k/a Fidencio ESQUER, a/k/a "FITO," Juan Carlos SERRANO, a/k/a "Carlos," a/k/a "Carlito," Scott MILBURY Jr. and Kieran KIDDER.

3. On December 14, 2011, Judge Woodlock entered an Order authorizing the interception of wire and electronic communications to and from 1) the cellular telephone assigned call number (480) 261-7713, bearing Electronic Serial Number ("ESN") A00000A245A887A (Target Telephone #2), which is a Verizon Wireless prepaid cellular phone used by John KOSTA with no subscriber information; and 2) to and from telephone number (978) 335-8221, bearing IMSI 310260252841803 ("Target Telephone #3"), which is a T-Mobile cellular telephone subscribed to in the name of and used by Scott Milbury, 45 Chase Street, Danvers, Massachusetts. The known Target Subjects listed in the affidavit in this matter were: John KOSTA, a/k/a Costa MIHALAKAKIS; Scott MILBURY Jr.; Danielle BRADSHAW; Kenneth CURCIO; RAMON JAVIER ESTRADA, a.k.a. Adnel Caballero Delvalle; Louis GRANDE; Eddie GRAVALESE; Davaris JACKSON; Glen KARAKAEDOS; Tamara KOSTA; John LIMOLI; Alexander NAPOLEON; Fidencio SERRANO-ESQUER, a.k.a. Fidencio Esquer, a.k.a. "Fito"; Billy ROGAN; and Donald WOOD.

4. On December 28, 2011, Judge Woodlock, entered an Order authorizing the interception of wire communications to and from the cellular telephone assigned call number (978) 502-4942 bearing ESN A00000299D151A (Target Telephone #4), which is a Verizon Wireless prepaid cellular phone used by John KOSTA with no subscriber information. The known Target Subjects listed in the affidavit in this matter were: John KOSTA, a/k/a Costa

MIHALAKAKIS; Scott MILBURY Jr.; Danielle BRADSHAW; Kenneth CURCIO; RAMON JAVIER ESTRADA, a.k.a. Adnel Caballero Delvalle; Louis GRANDE; Eddie GRAVALESE; Jason HUNTER; Davaris JACKSON; Glen KARAKAEDOS; Tamara KOSTA; John LIMOLI; Alexander NAPOLEON; Jorge Andres CERON-NAVARRO; Dennis NOVICKI; Fidencio SERRANO-ESQUER, a.k.a. Fidencio Esquer, a.k.a. "Fito"; Billy ROGAN; Juan Carlos SERRANO; Chris VANGELGIKIS and Donald WOOD.

5. On January 12, 2012, Judge Woodlock, entered an Order authorizing the interception of wire communications to and from the cellular telephone assigned call number 413-325-3689 bearing ESN Number A0000008BDC467 (Target Telephone #5), which is a Verizon Wireless prepaid cellular used by John KOSTA, subscribed to OAS "Phone in the Box" with no further subscriber information. The known Target Subjects listed in the affidavit in this matter were: John KOSTA, a/k/a Costa MIHALAKAKIS; Scott MILBURY Jr.; Danielle BRADSHAW; Kenneth CURCIO; RAMON JAVIER ESTRADA, a.k.a. Adnel Caballero Delvalle; Louis GRANDE; Eddie GRAVALESE; Jason HUNTER; Davaris JACKSON; Glen KARAKAEDOS; Tamara KOSTA; John LIMOLI; Brian McDONOUGH; Donald McCORMICK; Brian McKAY; Alexander NAPOLEON; Jorge Andres CERON-NAVARRO; Dennis NOVICKI; Fidencio SERRANO-ESQUER, a.k.a. Fidencio Esquer, a.k.a. "Fito"; Billy ROGAN; Juan Carlos SERRANO; Chris VANGELGIKIS; Nestor Antonio VERDUZCO and Donald WOOD.

6. On January 26, 2012, Judge Woodlock entered an Order authorizing the interception of wire communications to and from the cellular telephone assigned call number 617-671-9293, bearing IMSI Number 310410223862436 (Target Telephone #6), which is an AT & T Wireless cellular phone used by Dennis NOVICKI and subscribed to Dennis NOVICKI, 23

Goddard Street, Blackstone, Massachusetts. The known Target Subjects listed in the affidavit in this matter were: John KOSTA, a/k/a Costa MIHALAKAKIS; Scott MILBURY Jr.; Danielle BRADSHAW; Kenneth CURCIO; RAMON JAVIER ESTRADA, a.k.a. Adnel Caballero Delvalle; Louis GRANDE; Eddie GRAVALESE; Jason HUNTER; Davaris JACKSON; Glen KARAKAEDOS; Tamara KOSTA; John LIMOLI; Brian McDONOUGH; Donald McCORMICK; Brian McKAY; Alexander NAPOLEON; Jorge Andres CERON-NAVARRO; Dennis NOVICKI; Fidencio SERRANO-ESQUER, a.k.a. Fidencio Esquer, a.k.a. "Fito"; Billy ROGAN; Juan Carlos SERRANO; Chris VANGELGIKIS; Nestor Antonio VERDUZCO and Donald WOOD.

7. On February 23, 2012, Judge Woodlock entered an Order authorizing the interception of wire communications to and from the cellular telephone assigned call number 480-243-3012, bearing ESN A000002FA99547 (Target Telephone #7), which is a Verizon Wireless cellular phone used by John KOSTA with no subscriber information. The known Target Subjects listed in the affidavit in this matter were: John KOSTA, a/k/a Costa MIHALAKAKIS; Scott MILBURY Jr.; Danielle BRADSHAW; Kenneth CURCIO; RAMON JAVIER ESTRADA, a.k.a. Adnel Caballero Delvalle; Louis GRANDE; Eddie GRAVALESE; Jason HUNTER; Davaris JACKSON; Glen KARAKAEDOS; Tamara KOSTA; John LIMOLI; Brian McDONOUGH; Donald McCORMICK; Brian McKAY; Alexander NAPOLEON; Jorge Andres CERON-NAVARRO; Dennis NOVICKI; Fidencio SERRANO-ESQUER, a.k.a. Fidencio Esquer, a.k.a. "Fito"; Billy ROGAN; Juan Carlos SERRANO; Chris VANGELGIKIS; Nestor Antonio VERDUZCO and Donald WOOD.

8. On March 28, 2012, Judge Woodlock entered an Order authorizing the interception of wire communications to and from the cellular telephone assigned call number 480-254-8091,

bearing ESN A000002FDD0E44 (Target Telephone #8), which is a Verizon Wireless cellular phone used by John KOSTA with no subscriber information. The known Target Subjects listed in the affidavit in this matter were: John KOSTA, a/k/a Costa MIHALAKAKIS; Scott MILBURY Jr.; Danielle BRADSHAW; Kenneth CURCIO; RAMON JAVIER ESTRADA, a.k.a. Adnel Caballero Delvalle; Louis GRANDE; Eddie GRAVALESE; Jason HUNTER; Davaris JACKSON; Glen KARAKAEDOS; Tamara KOSTA; John LIMOLI; Brian McDONOUGH; Donald McCORMICK; Brian McKAY; Alexander NAPOLEON; Jorge Andres CERON-NAVARRO; Dennis NOVICKI; Fidencio SERRANO-ESQUER, a.k.a. Fidencio Esquer, a.k.a. "Fito"; Billy ROGAN; Juan Carlos SERRANO; Chris VANGELGIKIS; Nestor Antonio VERDUZCO and Donald WOOD.

9. The above-referenced intercept orders, applications, and affidavits were sealed by Judge Woodlock. In addition, pursuant to 18 U.S.C. § 2518(8)(a), immediately following expiration of each of the above-referenced orders, the original recordings of communications intercepted pursuant to the above-referenced orders were sealed by the Court.

10. On August 2, 2012, a federal grand jury sitting in the District of Massachusetts returned an indictment in this matter. The indictment arose in part from wire communications intercepted pursuant to the above-referenced intercept orders.

11. The rules governing discovery in criminal cases, including Federal Rule of Criminal Procedure 16 and Local Rules 116.1(c) and 116.4(A)(1), require the government to disclose to the defendants the applications, intercept orders, sealing orders, intercepted conversations, and any preliminary transcripts (i.e. "line sheets") made or obtained in connection with the telephones intercepted in the captioned matter. Accordingly, the government requests that the Court issue an order permitting the government to make said disclosure to defense counsel

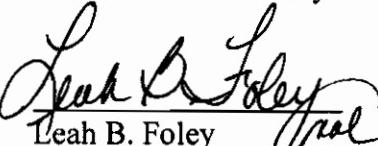
defendants in this matter and defense counsel for any other defendants who may later be joined in this action for the limited purpose of enabling each defendant to prepare a defense to the charge(s) contained in the indictment or any superseding indictment that may hereafter issue in this matter or any state matter. The government seeks permission to disclose these items solely for the limited purposes described herein and does not seek to unseal any of these items at this time.

12. The United States further moves pursuant to General Order 06-05 that the United States Attorney, through undersigned counsel, be provided with a copy of this document and any resulting Order.

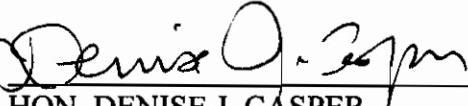
WHEREFORE, the United States respectfully requests that the Court permit the government to disclose the applications, intercept orders, sealing orders, intercepted conversations, and line sheets, as described above, to defense counsel for the above-named defendants, defense counsel for any other defendants who may be joined in this matter, state prosecutors, and defense counsel for any defendant charged by state prosecutors on the basis of the evidence collected in this matter, all for the limited purpose described in this motion.

Respectfully submitted,

CARMEN M. ORTIZ  
United States Attorney

By:   
Leah B. Foley  
Assistant U.S. Attorney

So ordered:

  
HON. DENISE J. CASPER  
UNITED STATES DISTRICT JUDGE  
DISTRICT OF MASSACHUSETTS

Dated: August 9, 2012